

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA

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Pierre Ramsey,

Case No. 23-cv-1854 (ECT/DTS)

Plaintiff,

v.

**REPORT AND RECOMMENDATION**

Jesse Pugh, Warden at Rush City,

Defendant.

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In a letter dated June 20, 2023, the Clerk of Court directed plaintiff Pierre Ramsey to either pay the filing fee for this matter or apply for *in forma pauperis* status. See Docket No. 3. Ramsey was given 15 days to comply, failing which, he was warned, this matter could be dismissed without prejudice for failure to prosecute. See Fed. R. Civ. P. 41(b).

That deadline has now passed, and Ramsey has not paid the filing fee for this matter or applied for *in forma pauperis* status. In fact, Ramsey has not communicated with the Court about this case at all since commencing this action. Accordingly, this Court now recommends, consistent with the warning previously given to Ramsey, that this action be dismissed without prejudice under Rule 41(b) for failure to prosecute. See *Henderson v. Renaissance Grand Hotel*, 267 F. App'x 496, 497 (8th Cir. 2008) (per curiam) ("A district court has discretion to dismiss an action under Rule 41(b) for a plaintiff's failure to prosecute, or to comply with the Federal Rules of Civil Procedure or any court order.").

### RECOMMENDATION

Based upon the foregoing, and on all of the files, records, and proceedings herein, the Court RECOMMENDS that this action be DISMISSED WITHOUT PREJUDICE under Fed. R. Civ. P. 41(b) for failure to prosecute.

Dated: July 21, 2023

s/David T. Schultz  
DAVID T. SCHULTZ  
U.S. Magistrate Judge

### NOTICE

**Filing Objections:** This Report and Recommendation is not an order or judgment of the District Court and is therefore not appealable directly to the Eighth Circuit Court of Appeals.

Under Local Rule 72.2(b)(1), “a party may file and serve specific written objections to a magistrate judge’s proposed finding and recommendations within 14 days after being served a copy” of the Report and Recommendation. A party may respond to those objections within 14 days after being served a copy of the objections. See Local Rule 72.2(b)(2). All objections and responses must comply with the word or line limits set forth in Local Rule 72.2(c).